



# Pinellas County

## Staff Report

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File #: 22-0026A, Version: 1

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### **Subject:**

Cooperative Funding Agreement with the Southwest Florida Water Management District for the Curlew Creek and Smith Bayou Watersheds Feasibility Study.

### **Recommended Action:**

Approval of the Cooperative Funding Agreement with the Southwest Florida Water Management District (SWFWMD) for the Curlew Creek and Smith Bayou Watersheds Feasibility Study.

- The agreement provides \$361,000.00 in SWFWMD Cooperative Funding Initiative funds. Required County match is \$361,000.00. The project total is \$722,000.00.
- The County match is programmed in the Penny for Pinellas Capital Improvement Program Six-Year Plan.
- Funding will allow for development of a Preliminary Engineering Report to evaluate proposed Best Management Practices in the Watershed Management Plan.
- Results of study will include recommendations that address flooding, erosion and water quality concerns within the Curlew Creek and Smith Bayou Watersheds.

SWFWMD Agreement No. 22CF0003709 and Project No. Q221; PID No. 004121A; Agreement amount is \$722,000.00; Agreement expires January 1, 2025; Authorize the Chairman to sign and the Clerk of the Circuit Court to attest.

### **Strategic Plan:**

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community.

Practice Superior Environmental Stewardship

3.1 Implement green technologies and practices where practical

3.3 Protect and improve the quality of our water, air, and other natural resources

3.5 Foster a sustainable and resilient community that is prepared for sea level rise and a changing climate.

Foster Continual Economic Growth and Vitality

4.4 Invest in infrastructure to meet current and future needs

### **Summary:**

Approval of this Funding Agreement will provide \$361,000.00 in grant funding towards the Curlew Creek & Smith Bayou Watersheds Feasibility Study. The County will provide \$361,000.00 in matching funds. The total project cost is anticipated to be \$722,000.00.

The PER will include a model refinement, feasibility study and alternatives analysis of recommended

stormwater management improvements to alleviate flooding, repair and reduce erosion and improve water quality. The project will also better define water quality and flood protection benefits, project costs, property rights/acquisition needs, and permitting/mitigation requirements for selected BMPs from the 2019 WMP and other studies.

**Background Information:**

The project supports the County Strategic Plan by improving the level of service for flood protection, water quality, erosion management, and enhancing our natural resources. The Public Works Department intends to move forward with design and construction of these BMPs after the PER is completed. The data provided by this Study will better prepare each BMP project for the design and construction phase.

Paragraph 12.2 of the Agreement states the County shall indemnify and hold SWFWMD harmless, which the County does not do per Resolution 06-70 attached. However, SWFWMD is historically unwilling to alter liability/indemnity language in its form cooperative funding agreements. The County Attorney has documentation from SWFWMD legal counsel stating that the County should assume as much until SWFWMD advises otherwise. Consequently, SWFWMD will not change its liability/indemnity language in this funding agreement.

**Fiscal Impact:**

PID No. 004121A - Curlew Creek (Channel A Oro Dr to Wilshire Dr) and Smith Bayou (Lower Bee Branch Channel Restoration near Tampa Rd) Stormwater Conveyance Improvements are included in the Fiscal Year (FY) 2022-2027 Capital Improvement Program Six-Year Plan: Physical Environment Function; Flood Control Projects Program. This project is funded by the Local Infrastructure Sales Tax (Penny for Pinellas) and SWFWMD Cooperative Funding Agreement 22CF0003709. SWFWMD is providing 50% or \$361, 000.00 of the \$722,000.00 estimated for the PER phase of project PID No. 004121A. Currently, \$180,500.00 of the \$361,000.00 SWFWMD funding is approved for FY 2022. The remainder of this funding will be considered by SWFWMD with each fiscal year's approved budget.

**Staff Member Responsible:**

Kelli Hammer Levy, Director, Public Works

**Partners:**

SWFWMD

**Attachments:**

Agreement with Exhibits A-C

Project Location Map

Application

Resolution 06-70